

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

<div>SECURITIES INVESTOR PROTECTION CORPORATION,</div> <div>Plaintiff-Applicant,</div> <div>v.</div> <div>BERNARD L. MADOFF INVESTMENT SECURITIES LLC,</div> <div>Defendant.</div>	Adv. Pro. No. 08-01789 (CGM)
<div>In re:</div> <div>BERNARD L. MADOFF,</div> <div>Debtor.</div>	SIPA Liquidation (Substantively Consolidated)
<div>IRVING H. PICARD, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff,</div> <div>Plaintiff,</div> <div>v.</div> <div>KOCH INDUSTRIES, INC., as successor in interest to Koch Investment (UK) Company,</div> <div>Defendant.</div>	Adv. Pro. No. 12-01047 (CGM)

**ORDER DENYING KOCH INDUSTRIES, INC.'S
MOTION TO DISMISS THE COMPLAINT**

Defendant Koch Industries, Inc. (“Defendant”) filed a motion to dismiss the Complaint under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) (the “Motion”) on July 22, 2022. The parties stipulated to rest on their papers and waive oral argument on the Motion. The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, and the Complaint. The Court issued a memorandum decision, dated November 21,

2022, regarding the Motion (the “Decision”). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Complaint is denied.
2. The deadline for Defendant to file an answer to the Complaint is January 27, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: November 30, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge